



US Army Corps  
of Engineers  
Alaska District

Regulatory Branch (1145b)  
8800 Glacier Highway  
Suite 106  
Juneau, Alaska 99801-8079

# Public Notice of Application for Permit

PUBLIC NOTICE DATE: April 6, 2005

EXPIRATION DATE: May 6, 2005

REFERENCE NUMBER: POA-1987-590-T

WATERWAY NUMBER: Taiya Inlet 28

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States as described below and shown on the attached plan.

**APPLICANT:** Skagway Terminal Company, Post Office Box 435, Skagway, Alaska 99840-0434

**LOCATION:** The project is located in the NW ¼ NE ¼ Section 14, T. 28 S., R. 59 E., Copper River Meridian; Latitude 59°27'6"N., Longitude 135°19'11"W.;, at the south end of Broadway Street and adjacent to the State ferry dock in Skagway, Alaska.

**WORK:** The applicant proposes to dredge, discharge dredged material, and construct structures in waters and navigable waters of the United States. The applicant would first install a 340-foot long steel sheet-piling bulkhead above the existing high tide line (HTL) of +21.2-feet above the 0.0-foot contour. The bulkhead does not require a DA permit since it would be placed outside of DA jurisdictional areas. A total of approximately 51,000-cubic yards (cy) of primarily sand, with some gravel and rock riprap that was formerly placed, would be dredged from a 1.85-acre area seaward of the new bulkhead. This includes 38,000-cy that would be dredged below the mean high water (MHW) line of +15.74-feet above the 0.0-foot contour, and 6,000-cy dredged from above the HTL. The area would be dredged to a continuous depth of minus 36-feet to the foot of the new bulkhead. The 5,000-cy of dredged rock riprap would be placed over the 0.6-acre of dredged sideslopes that are below the HTL. The remaining 46,000-cy of dredged material would be disposed off-shore by barge in a 50-acre disposal area. The disposal area is approximately 100-fathoms (600-feet) deep, and is located at Latitude 59°26'28"N., Longitude 135°20'52"W. The applicant expects the dredging would be done with a clamshell bucket mounted on a barge and/or by shore-based cranes.

The applicant also proposes to replace 120-feet of the existing approach dock, which would require the installation of ten 12-inch diameter steel piles. Three new dolphins, each consisting of a 30-inch diameter steel pile, with attached catwalks and fenders supported by four 20-inch diameter steel piles, would also be installed adjacent to the new and existing dock.

**PURPOSE:** The purpose of the project is to modify the existing Broadway Dock so it can accommodate larger tour vessels. The applicant expects the project would allow for the docking of vessels up to 950 feet long once the work is completed.

**ADDITIONAL INFORMATION:** The Corps of Engineers has reviewed the sediment sample test report the applicant has completed for the proposed dredged area. The dredged material does not appear to contain contaminants at concentrations above screening levels intended to protect marine organisms and is chemically suitable for in-water disposal.

The applicant has a valid (non-expired) permit (number POA-1987-590-S) to replace the applicant's barge and ore dock located adjacent to and west of this project. For additional information on the project described in this notice please contact Ms. Jennifer Lundberg, PND Inc., 1506 West 36<sup>th</sup> Avenue, Anchorage, Alaska 99503-3612; telephone number (907) 561-1011.

**MITIGATION:** As a result of early project planning, the applicant has incorporated into the proposed project, several mitigation efforts to reduce impacts to the aquatic environment (see the "Essential Fish Habitat" section below for details).

**WATER QUALITY CERTIFICATION:** A permit for the described work will not be issued until a certification, or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION (CZMAC):** The Alaska Department of Natural Resources, Office of Project Management and Permitting, issued their final consistency determination for the CZMAC for the proposed project on March 9, 2005. Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

**CULTURAL RESOURCES:** The latest published version of the Alaska Heritage Resources Survey has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is a registered or eligible property in the vicinity of the worksite. It has been designated SKG-013, Skagway and White Pass Historic District-National Historic Landmark. Because it has been determined to be within the project area and it is a designated National Historic Landmark, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO) and the National Park Service will be consulted. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

**TRIBAL CONSULTATION:** The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work, and invites

their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

**ENDANGERED SPECIES:** The project area is within the known or historic range of the humpback whale and Stellar sea lion. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

**ESSENTIAL FISH HABITAT:** The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996, 16 U.S.C. *et seq* and associated Federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service.

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and Federally managed fishery resources. The near-shore area of the project site has been heavily developed and the applicant states that the in-water disposal area has been previously used. The Corps of Engineers authorized the applicant to discharge 8,000 cubic yards of dredged material at the proposed in-water disposal area on September 3, 1999 (permit number R-870590). Also, on January 27, 1995, the Corps of Engineers authorized a neighboring dock owner, Pacific and Arctic Railway and Navigation Company, to discharge 31,900 cubic yards of dredged material at the proposed in-water disposal area (permit number T-780225).

In addition, the applicant has agreed to take mitigative measures, which would include performing no in-water work from March 15 to June 15. The applicant would also modify and enhance the existing wood sluice fish ladder located at the outlet of Pullen Creek. The new fish ladder would consist of a 6-foot wide poured concrete channel with embedded rock that would be elevated on four 12-inch steel piles. The project would shorten the existing fish ladder by 67-feet, and the dredging would be done so it leaves an all-tide pool below the end of the fish ladder for out-migrating salmon smolt.

**SPECIAL AREA DESIGNATION:** The project is located within the southern end of the Skagway and White Pass National Historic District-National Historic Landmark.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity, and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain

values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Jeff Koschak at (907) 790-4490, or by E-mail at [Jeffrey.a.Koschak@poa02.usace.army.mil](mailto:Jeffrey.a.Koschak@poa02.usace.army.mil) if further information is desired concerning this notice.

**AUTHORITY:** This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

( ) Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF AIR AND WATER QUALITY

Non-Point Source Control Section

401 Certification Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-1987-590-T (Taiva Inlet 28)**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

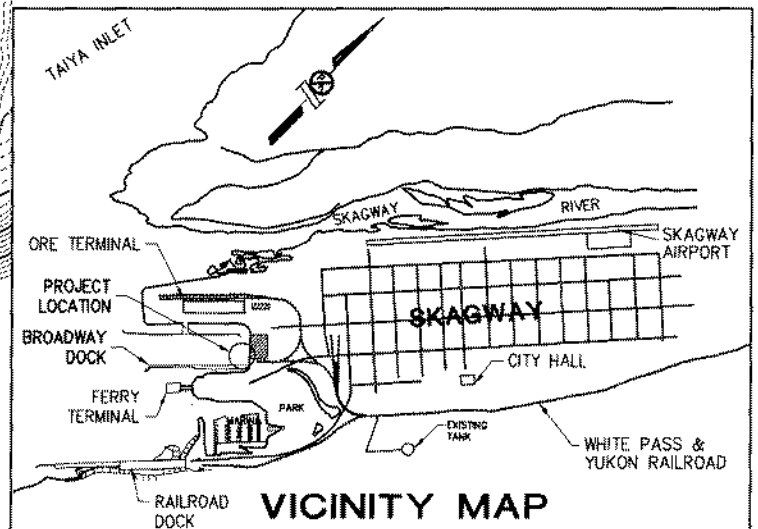
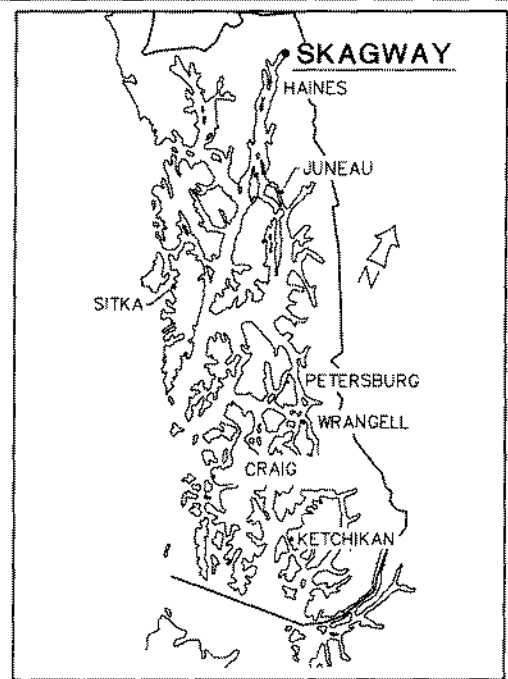
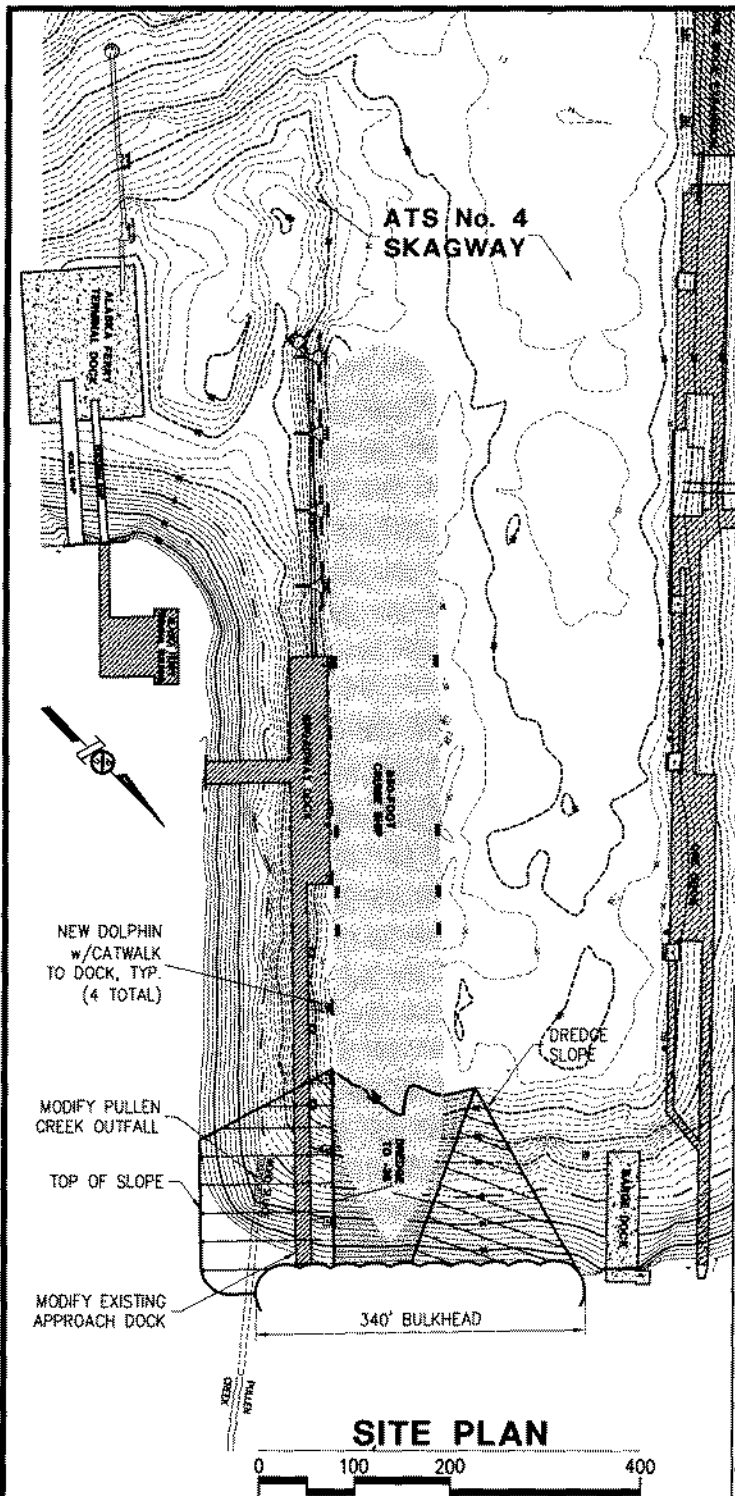
After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
410 Willoughby Avenue  
Juneau, Alaska 99801-1795  
Telephone: (907) 465-5321  
FAX: (907) 465-5274

Attachment 2

drawings\2003\034044.01 Broadway dock expansion\permit-01.dwg



**PURPOSE:**

PROVIDE MOORAGE FOR  
CRUISE SHIPS

**DATUM:** 0.0' M.L.L.W.

**ADJACENT PROPERTY OWNERS:**

1. SKAGWAY TERMINAL CO.  
(RAILROAD RIGHT-OF-WAY)
2. CITY OF SKAGWAY
3. STATE OF ALASKA (MHS)

**BROADWAY DOCK  
EXPANSION  
VICINITY MAP  
AND SITE PLAN**

SKAGWAY TERMINAL CO,  
P.O. BOX 435  
SKAGWAY, ALASKA 99840-0434

**PROPOSED:**

DOCK, DOLPHINS, BULKHEADS  
AND DREDGING

**IN:** TAIYA INLET

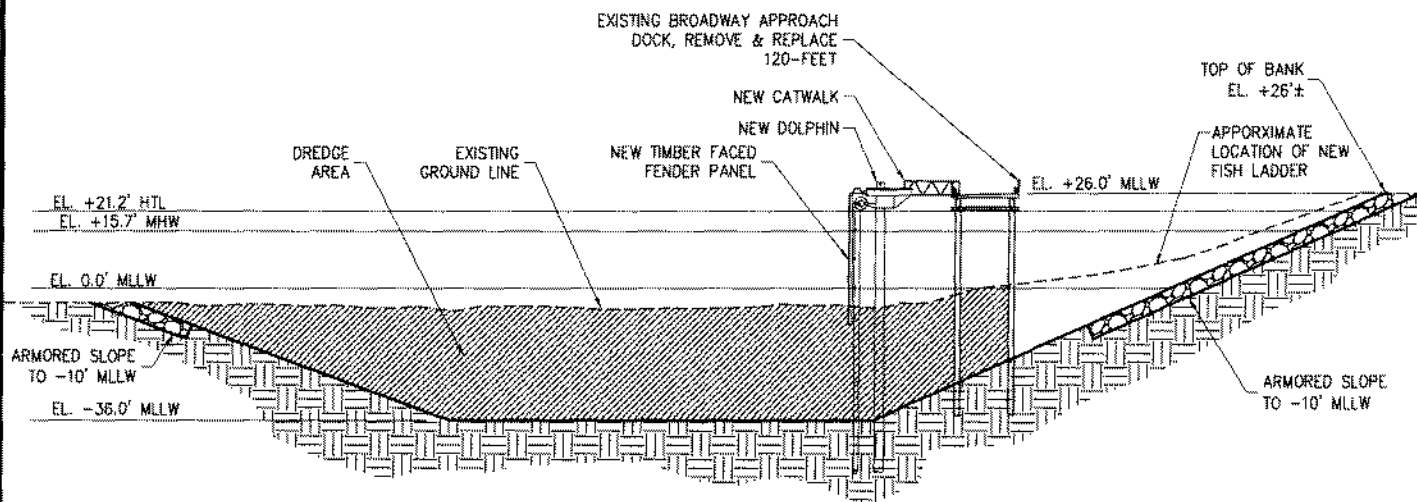
**AT:** SKAGWAY, ALASKA

**APPLICATION BY:**

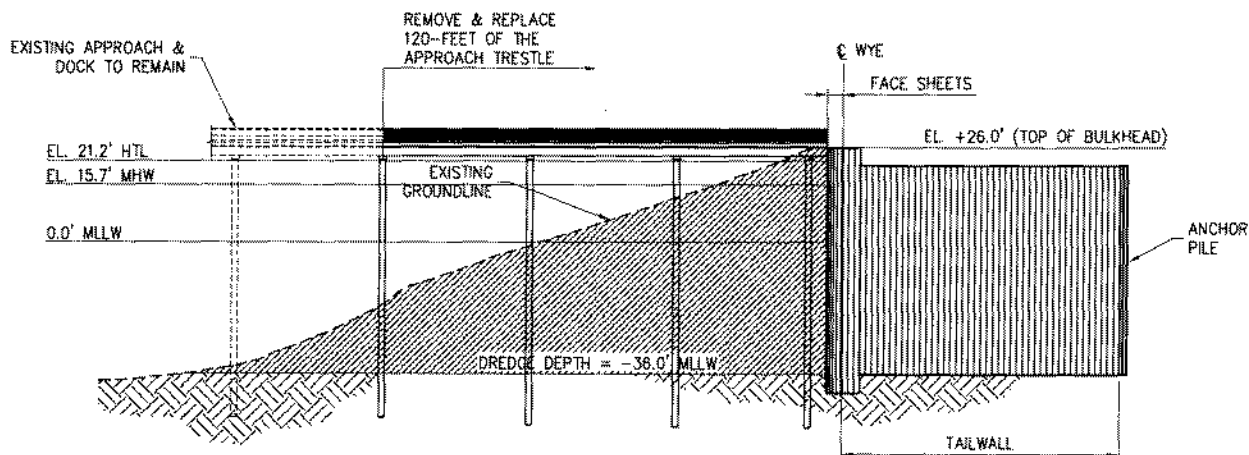
SKAGWAY TERMINAL CO.

**SHEET 1 of 5 DATE:** 10/03





**SECTION A-A**



**SECTION B-B**



**PURPOSE:**

PROVIDE MOORAGE FOR  
CRUISE SHIPS

**DATUM:** 0.0' M.L.L.W.

**ADJACENT PROPERTY OWNERS:**

SKAGWAY TERMINAL CO.  
(RAILROAD RIGHT-OF-WAY)  
CITY OF SKAGWAY  
STATE OF ALASKA (MHS)

**BROADWAY DOCK  
EXPANSION  
SECTIONS A-A & B-B**

SKAGWAY TERMINAL CO.,  
P.O. BOX 435  
SKAGWAY, ALASKA 99840-0434

**PROPOSED:**

DOCK, DOLPHINS, BULKHEADS  
AND DREDGING

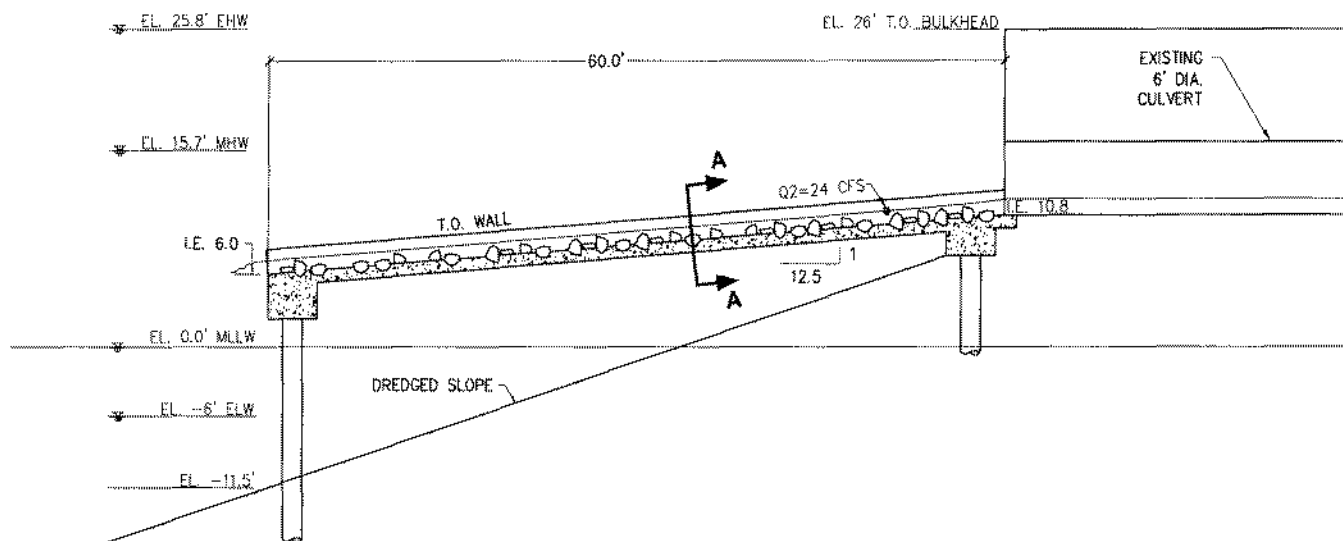
**IN:** TAIYA INLET

**AT:** SKAGWAY, ALASKA

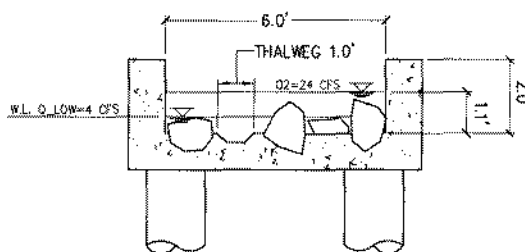
**APPLICATION BY:**

SKAGWAY TERMINAL CO.

**SHEET 3 of 5 DATE:** 10/03



**SECTION C-C**



**FISH LADDER SECTION**



**PURPOSE:**

PROVIDE MOORAGE FOR  
CRUISE SHIPS

**DATUM:** 0.0' M.L.L.W.

**ADJACENT PROPERTY OWNERS:**

1. SKAGWAY TERMINAL CO.  
(RAILROAD RIGHT-OF-WAY)
2. CITY OF SKAGWAY
3. STATE OF ALASKA (MHS)

**BROADWAY DOCK  
EXPANSION  
SECTION C-C**

SKAGWAY TERMINAL CO,  
P.O. BOX 435  
SKAGWAY, ALASKA 99840-0434

**PROPOSED:**

DOCK, DOLPHINS, BULKHEADS  
AND DREDGING

**IN:** TAIYA INLET

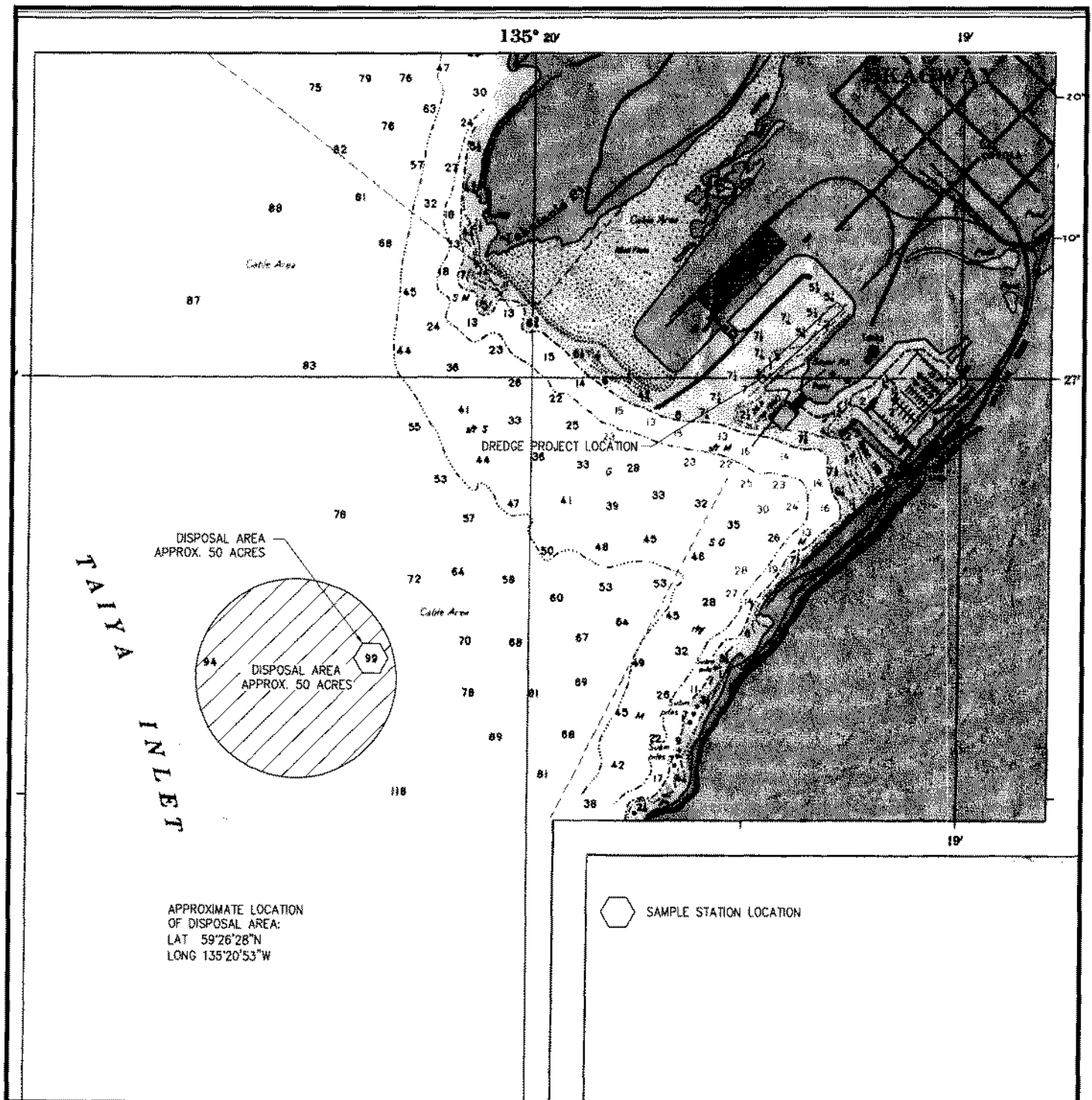
**AT:** SKAGWAY, ALASKA

**APPLICATION BY:**

SKAGWAY TERMINAL CO.

**SHEET 4 of 5 DATE:** 10/03

drawings\2003\034044.01 Broadway dock expansion\permit\permit-04.dwg



**PURPOSE:**

PROVIDE MOORAGE FOR  
CRUISE SHIPS

**DATUM:** 0.0' M.L.L.W.

**ADJACENT PROPERTY OWNERS:**

1. SKAGWAY TERMINAL CO.  
(RAILROAD RIGHT-OF-WAY)
2. CITY OF SKAGWAY
3. STATE OF ALASKA(MHS)

**BROADWAY DOCK  
EXPANSION SLP  
OFFSHORE DISPOSAL  
SITE SAMPLE LOCATION**

SKAGWAY TERMINAL CO,  
P.O. BOX 435  
SKAGWAY, ALASKA 99840-0434

**PROPOSED:**

DOCK, DOLPHINS, BULKHEADS  
AND DREDGING

**IN:** TAIYA INLET  
**AT:** SKAGWAY, ALASKA

**APPLICATION BY:**

SKAGWAY TERMINAL CO.

**SHEET 5 of 5 DATE:** 10/03